

WEDNESDAY, FEBRUARY 9, 2000

FIFTY-FIRST LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Ridgeway.

Representative Ridgeway led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 448: Rep(s). Hood as prime sponsor(s).

ENROLLED BILLS

February 8, 2000

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 380.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
February 8, 2000**

The Speaker signed the following: House Joint Resolution(s) No(s). 380.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 8, 2000**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 380; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
February 8, 2000**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 380.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
February 8, 2000**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2039, 2040, 2128, 2201, 2349, 2362, also, House Joint Resolution(s) No(s) 415, 416, 417, 419, 423, 424, 425, 426, 427 and 443.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
February 8, 2000**

The Speaker signed the following: House Bill(s) No(s). 2039, 2040, 2128, 2201, 2349, 2362; also, House Joint Resolution(s) No(s). 415, 416, 417, 419, 423, 424, 425, 426, 427 and 443.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 8, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2039, 2040, 2128, 2201, 2349, 2362; also, House Joint Resolution(s) No(s). 415, 416, 417, 419, 423, 424, 425, 426, 427 and 443; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
February 8, 2000**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2039, 2040, 2128, 2201, 2349, 2362; also, House Joint Resolution(s) No(s). 415, 416, 417, 419, 423, 424, 425, 426, 427 and 443.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
February 8, 2000**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 410, 412, 413, 414, 418, 420 and 421, with his approval.

MICHELLE LONG, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR
February 8, 2000**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2016, 2019, 2022, 2023, 2034, 2036, also, House Joint Resolution(s) No(s). 380; with his approval.

MICHELLE LONG, Counsel to the Governor.

**MESSAGE FROM THE SENATE
February 8, 2000**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1965, 2003, 2004, 2007, 2010, 2012, 2015, 2016, 2027, 2028, 2030, 2047; also, Senate Joint Resolution(s) No(s). 562, 564, 565, 566, 567, 568 and 569 for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

**SIGNED
February 8, 2000**

The Speaker signed the following: Senate Bill(s) No(s). 1965, 2003, 2004, 2007, 2010, 2012, 2015, 2016, 2027, 2028, 2030, 2047; also, Senate Joint Resolution(s) No(s). 562, 564, 565, 566, 567, 568 and 569.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 10, 2000:

House Joint Resolution No. 449 -- Memorials, Recognition - Nashville Post Office Credit Union. by *West.

House Joint Resolution No. 450 -- Memorials, Recognition - Tennessee Jaycees Model Legislation. by *West.

House Joint Resolution No. 451 -- Memorials, Professional Achievement - Charles W. Lewis - Senior Pediatrician of the Year. by *Eckles, *Hood.

House Joint Resolution No. 452 -- Memorials, Death - Margie Gifford Douglas. by *Fraleigh.

House Joint Resolution No. 453 -- Memorials, Recognition - Greater First Baptist Church in Lewisburg, 100 year anniversary. by *Fowlkes, *Beavers.

House Joint Resolution No. 454 -- Memorials, Professional Achievement - Dan M. Jenkins, Outstanding Mayor of the Year, 2000. by *McDonald, *Black.

House Joint Resolution No. 456 -- Memorials, Public Service - Brandon Marshall. by *Rhinehart.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2138** -- Business Organizations - Revises fee for filing agent's statement of change of registered office in multiple filing circumstances for profit or nonprofit corporation, LLC, LLP or LP, from fee of \$20.00 to fee of \$5.00 per corporation, LLC, LLP or LP, with \$20.00 minimum fee. Amends TCA Section 48-11-303(a)(9); 48-51-303(a)(9); 48-247-103(a)(10); 61-1-148(a)(7); 61-2-1207(a)(6). by *Crutchfield. (HB2781 by *Hargrove)

***Senate Bill No. 2148** -- Criminal Procedure - Clarifies that \$50.00 fee charged defendant petitioning for expungement of records following dismissal of criminal charges applicable only if dismissal is result of successful completion of pretrial diversion. Amends TCA Title 40, Chapter 32. by *Davis L. (HB2146 by *Ferguson)

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3274, was/were referred to the Delayed Bills Committee.

***House Bill No. 3274** -- Law Enforcement - Revises membership of Tennessee peace officer standards and training commission. Amends TCA Title 38. by *Buck.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 8, 2000**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 10, 2000**: House Bill(s) No(s). 2007 and 2340.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **February 14, 2000**: House Bill(s) No(s). 2342.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2125 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2412, 2413, 2416, 2417, 2433 and 2443. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommends that House Bill(s) No(s). 2546 be transmitted to the Agriculture Committee, House Bill(s) No(s). 2403 be transmitted to the Health and Human Resources Committee, and House Bill(s) No(s). 2268 be transmitted to the Transportation Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 9, 2000**, reported the following:

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1083, also House Bill(s) No(s). 2145 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2485, 2480, 2481, 2482, also House Bill(s) No(s). with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommended that House Bill(s) No(s). 2168 2272, 2533 and 2642 be referred to the Finance, Ways and Means Committee, which motion prevailed.

CAPTION BILLS REFERRED

February 9, 2000

Pursuant to **Rule No. 47**, the following Caption Bill(s), 2226, 2234, 2365, 2583, 2391, 2447, 2524, 2540 and 2761 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 2226 -- Transportation, Dept. of – House Transportation Committee

***House Bill No. 2234** -- Eminent Domain – House Judiciary Committee

***House Bill No. 2365** -- Tennessee Emergency Management Agency (TEMA) – House Government Operations Committee

House Bill No. 2583 -- Animals – House Transportation Committee

***House Bill No. 2391** -- Telecommunications – House Commerce Committee

House Bill No. 2447 -- Local Government, General – House State and Local Government Committee

House Bill No. 2524 -- Telecommunications - House Commerce Committee

House Bill No. 2540 -- Historical Sites and Preservation - House Government Operations Committee

House Bill No. 2761 -- Litter Control – House Transportation Committee

CONSENT CALENDAR

House Joint Resolution No. 446 -- Memorials, Recognition - George Waddlington. by *Ferguson.

House Joint Resolution No. 447 -- Memorials, Recognition - Eugene Hattaway. by *Ferguson.

House Joint Resolution No. 448 -- Memorials, Retirement - Dr. Angelo Volpe, President of Tennessee Technological University. by *Hargrove.

Senate Joint Resolution No. 575 -- Memorials, Personal Occasion - Henry Phillip "Hank" Miklich, 80th Birthday. by *Springer, *Henry.

Senate Joint Resolution No. 577 -- Memorials, Death - Ottis J. Knippers, Sr. by *Springer, *Henry.

Senate Joint Resolution No. 580 -- Memorials, Heroism - Det 1, 133rd Public Affairs Detachment. by *Kurita.

WEDNESDAY, FEBRUARY 9, 2000 – FIFTY-FIRST LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

REGULAR CALENDAR

Senate Joint Resolution No. 571 -- Memorials, Sports - Tennessee Titans, 1999 AFC Champions. by *Harper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Wornack.

Further consideration of Senate Joint Resolution No. 571 previously considered on February 2, 2000 and February 3, 2000, at which time it was reset for today's Calendar.

Rep. Langster moved that **Senate Joint Resolution No. 571**, with the request that all members voting aye be added as sponsors, be concurred in, which motion prevailed by the following vote:

Ayes 99
Noes 0

WEDNESDAY, FEBRUARY 9, 2000 – FIFTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***Senate Bill No. 593** -- Medical Occupations - Establishes council of licensed midwifery, with procedures and duties; defines licensure requirements and roles of certified nurse midwives and licensed midwives. Amends TCA Title 63 and Section 4-29-221. by *Ford J, *Springer, *Dixon, *Harper, *Ramsey. (HB565 by *Bowers, *DeBerry J, *DeBerry L, *Buck, *Langster, *Pruitt)

Further consideration of Senate Bill No. 593 previously considered on February 7, 2000, at which time the Senate Bill was substituted for the House Bill, the House adopted Amendment No. 5, was on the motion to adopt Amendment No. 6 and reset the bill for today's Calendar.

Rep. Bowers moved that Senate Bill No. 593, as amended, be passed on third and final consideration.

Rep. Jackson moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. U. Jones moved the previous question, which motion failed by the following vote:

Ayes.....	51
Noes	39
Present and not voting	1

WEDNESDAY, FEBRUARY 9, 2000 – FIFTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Bowers, Boyer, Brooks, Brown, Buck, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), DeBerry J., DeBerry L., Dunn, Eckles, Fowlkes, Fraley, Garrett, Givens, Gunnels, Hargett, Hargrove, Harwell, Head, Hood, Jones S., Jones U., Kent, Kisber, Langster, McAfee, McCord, Patton, Phelan, Pruitt, Rhinehart, Roach, Sargent, Scroggs, Sharp, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Whitson, Windle, Winningham -- 51.

Representatives voting no were: Arriola, Baird, Beavers, Black, Bone, Briley, Bunch, Buttry, Caldwell, Davidson, Davis (Washington), Ferguson, Fitzhugh, Ford, Godsey, Goins, Hagood, Hassell, Jackson, Kerr, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Pinion, Ridgeway, Sands, Stulce, Tidwell, Towns, Westmoreland, White, Wood -- 39.

Representatives present and not voting were: Kernell -- 1.

After further debate, Rep. Curtiss moved the previous question, which motion prevailed.

Rep. Bowers moved that **Senate Bill No. 593**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	53
Noes	39
Present and not voting	3

Representatives voting aye were: Armstrong, Baird, Bone, Bowers, Boyer, Brooks, Brown, Buck, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), DeBerry J., DeBerry L., Dunn, Ferguson, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hargrove, Harwell, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Langster, McCord, McKee, Miller, Montgomery, Mumpower, Patton, Phelan, Pruitt, Rinks, Sands, Scroggs, Tindell, Todd, Turner (Hamilton), Turner (Shelby), White, Windle, Wood, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Arriola, Beavers, Black, Briley, Bunch, Buttry, Caldwell, Davidson, Davis (Washington), Eckles, Fitzhugh, Ford, Hagood, Hargett, Hassell, Head, Jackson, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Odom, Pinion, Rhinehart, Ridgeway, Roach, Sargent, Sharp, Stulce, Tidwell, Towns, Walker, Walley, West, Westmoreland, Whitson, Winningham -- 39.

Representatives present and not voting were: Newton, Pleasant, Williams -- 3.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 176** -- Memorials, Government Officials - Urges Tennessee human rights commission to fulfill its statutory responsibility with regard to Title VI investigations, implementation and technical assistance. by *Brown, *Bowers, *Towns, *Pruitt, *DeBerry L, *Brooks.

Senate Amendment No. 1

AMEND House Joint Resolution No. 176 by deleting the language "January 11, 2000" and substituting instead the language "January 11, 2001".

Rep. Brown moved that the House concur in Senate Amendment(s) No.(s). 1 to **House Joint Resolution No. 176**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 177** -- Memorials, Government Officials - Calls upon various entities of state and local government to work cooperatively to ensure that all Tennesseans, including minorities, achieve same high level of health. by *Pruitt, *Towns, *Bowers, *Brooks, *Brown, *DeBerry J, *DeBerry L, *Miller L, *Langster, *Cooper B, *Jones U (Shelby).

Senate Amendment No. 1

AMEND House Joint Resolution No. 177 in the second and third WHEREAS clauses of the preamble by deleting the language "the majority population" wherever it appears and by substituting instead the following "a majority of the population".

AND FURTHER AMEND in the fourth WHEREAS clause of the preamble by deleting the language "the majority and minority populations" and by substituting instead the following "a majority of the population and minority populations".

Senate Amendment No. 2

AMEND House Joint Resolution No. 177 by deleting the language:

and

WHEREAS, national codification of a set of lower expectations for African-Americans and underrepresented ethnic minority populations is, in itself, an insidious form of societal and institutional racism and bigotry;

Rep. Pruitt moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Joint Resolution No. 177**, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 436** -- Credit and Debit Cards - Prohibits public institutions of higher education from selling or distributing student lists to credit card issuers; prohibits credit card issuers from attempting to secure such lists. Amends TCA Title 49, Chapter 7, by *Dixon. (HB538 by *DeBerry L., *Bowers, *Brooks, *Givens, *Langster, *DeBerry J., *Beavers, *Newton, *Black, *Phelan, *Montgomery)

Rep. L. DeBerry moved that Senate Bill No. 436 be reset for the Message Calendar on February 14, 2000, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 674** -- Public Health and Health Care - Enacts "Coordinated School Health Improvement Act of 1999." Amends TCA Title 49, Chapter 1. by *DeBerry L, *Givens, *Naifeh, *Rinks, *Hargrove, *Williams (Williamson), *Arriola, *McDonald, *Kisber, *Armstrong, *Turner (Shelby), *Patton, *Davis (Cocke), *Stulce, *Sands, *Davidson, *Pinion, *Jones, S., *Lewis, *Ridgeway, *Bone, *Robinson, *Ferguson, *Ford S, *Tindell, *Eckles, *West, *Hood, *Caldwell, *Fraley, *Turner (Hamilton), *Odom, *Miller L, *Briley, *Rhinehart, *White, *McMillan, *Fitzhugh, *Maddox, *Pruitt, *Winningham, *Chumney, *Head, *Cole (Dyer), *Brown, *Walker (Rhea), *Towns, *Pleasant, *Hargett, *Montgomery, *McCord, *Walley, *Cooper B, *Davis (Washington), *Baird, *Roach, *Sharp, *McKee, *Fowlkes, *Mumpower, *Bowers, *Jackson, *Todd, *Brooks, *Langster. (SB813 by *Crutchfield, *Cooper, *Harper, *Crowe)

Senate Amendment No. 1

AMEND House Bill No. 674 by designating the existing language in Section 3 as subsection (a) and by adding the following language to Section 3 to be designated as subsection (b)

(b) In developing such guidelines and standards, the following components must be included, notwithstanding the fact that the centers for disease control model for the implementation of a coordinated school health program contains such requirements:

(1) The provisions of § 49-6-1005(a) and the Family Life Curriculum contained in Title 49, Chapter 6, Part 13, shall continue to be observed;

(2) A parent shall have the same right to exempt that parent's child from participation as provided for in Sections 49-6-1005(a) and 49-6-1303; and

(3) To the extent permitted by state or federal law, any aspect of family planning or contraception shall be governed by the provisions of Section 68-1-1205 and the policies set by the local boards of education.

Senate Amendment No. 3

AMEND House Bill No. 674 by deleting the reference "49-1-211(o)" in Section 4(b), as amended, and substituting the reference "49-1-211(a)".

AND FURTHER AMEND, in Section 4(b), as amended, by inserting the following new sentence after the present second sentence:

In developing the guidelines for the program, the commissioner is requested to consult with appropriate organizations involved in the areas of student health, health care, and fitness.

AND FURTHER AMEND, in Section 4(b), as amended, by deleting the third sentence thereof and substituting the following:

The guidelines and any proposed forms for applications shall be offered to the joint oversight committee on education for review and comment. Copies of local education plans may be offered to the joint oversight committee on education for informational purposes.

AND FURTHER AMEND, in Section 4, as amended, by deleting subsection (c) in its entirety and by redesignating subsection (d) to be subsection (c).

AND FURTHER AMEND, in Section 6, as amended, by deleting subsection (a) and substituting the following:

(a) State grants are only for coordination and improvement of school health programs in accordance with the detailed plan submitted in accordance with Section 4 of this act.

Senate Amendment No. 4

AMEND House Bill No. 674 by adding a new section to be appropriately designated:

SECTION ____ The provisions of this act shall have no effect unless funds are appropriated in the general appropriations act to implement it.

Rep. Givens moved that the House concur in Senate Amendment(s) No(s). 1, 3 and 4 to **House Bill No. 674**, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Patton, **House Bill No. 1447** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Patton, **House Bill No. 961** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Walker, **House Bill No. 1304** was recalled from the Conservation and Environment Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 293** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 298** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 1251** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Maddox, **House Bill No. 1627** was recalled from the Judiciary Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 73: Rep(s). Buck as first prime sponsor(s).

House Bill No. 73: Rep(s). Head and Eckles as prime sponsor(s).

House Joint Resolution No. 399: Rep(s). Walker as prime sponsor(s).

House Bill No. 265: Rep(s). Bittle as prime sponsor(s).

House Bill No. 2035: Rep(s). Godsey, Davis (Washington), Dunn, Buttry, Montgomery, Mumpower, Sharp and Hargett as prime sponsor(s).

House Bill No. 2115: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2116: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2121: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2125: Rep(s). Cooper as prime sponsor(s).

WEDNESDAY, FEBRUARY 9, 2000 – FIFTY-FIRST LEGISLATIVE DAY

House Bill No. 2131: Rep(s). Rhinehart, Buck, Towns, Bowers, Fraley, Ferguson, McDaniel and Kernell as prime sponsor(s).

House Bill No. 2181: Rep(s). Stulce as prime sponsor(s).

House Bill No. 2340: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 2342: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 2346: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 2480: Rep(s). Sharp as prime sponsor(s).

House Bill No. 2481: Rep(s). Sharp as prime sponsor(s).

House Bill No. 2482: Rep(s). Sharp as prime sponsor(s).

House Bill No. 2533: Rep(s). Hood, Lewis, Beavers, Phillips, Williams and Sands as prime sponsor(s).

House Bill No. 2736: Rep(s). Hagood as prime sponsor(s).

House Bill No. 3165: Rep(s). Hargrove and Tidwell as prime sponsor(s).

House Bill No. 3166: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 3167: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 3230: Rep(s). Harwell as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Briley was/were removed as sponsor(s) of **House Bill No. 3070**.

**ENGROSSED BILLS
February 9, 2000**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 446, 447 and 448.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 9, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1811; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE
February 9, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 442; all concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE
February 9, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2038, 2086, 2100, 2127, 2133, 2142, 2157, 2191, 2193, 2268, 2345, 2346, 2396, 2580, 2777, 2914, 2915, 2916 and 2920; all passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 2038** -- Sunset Laws - Standards committee, department of human services, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 71, Chapter 3. by *Springer. (HB2066 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2086** -- Sunset Laws - Tennessee state public livestock market board, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 44, Chapter 12. by *Springer. (HB2445 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2100** -- Sunset Laws - Commission on aging, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 71, Chapter 2. by *Springer. (HB2425 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2127** -- Railroads - Requires railroad crews to have at least two persons to operate train, one of whom is licensed railroad engineer and one of whom is railroad trainman or conductor. Amends TCA Title 65, Chapter 6, Part 1. by *Springer. (HB2542 by *White)

***Senate Bill No. 2133** -- Weights and Measures - Revises Certified Public Weigher Law to authorize electronic seal and signature; changes license renewal from annual to 24 month alternative intervals; provides for transition period with proportional fee; gives 30 day grace period on renewals. Amends TCA Section 47-26-802; Section 47-26-807; Section 47-26-808, and Section 47-26-810. by *Haun, *Cooper, *Davis L, *Clabough. (HB2687 by *Cole (Dyer), *Givens, *Ferguson, *Bowers, *Bone, *Sargent, *Ford S, *Newton, *Phelan, *Roach)

***Senate Bill No. 2142** -- Highway Signs - "Adams Bridge," bridge spanning Obed River on S.R. 298, Cumberland County. by *Davis L. (HB2168 by *Walker (Rhea), *Curtiss)

***Senate Bill No. 2157** -- Animals - Allows trier of fact to award up to \$5,000 in non-economic damages to person whose pet is killed or sustains injuries which result in death caused by intentional or negligent act of another or by the pet of another. Amends TCA Title 44, Chapter 17. by *Cohen, *Person. (HB2583 by *Briley)

WEDNESDAY, FEBRUARY 9, 2000 – FIFTY-FIRST LEGISLATIVE DAY

***Senate Bill No. 2191** -- Highway Signs - "The Walking Horse Parkway," segment of S.R. 64 from U.S. 41 in Coffee County to U.S. 31-A in Marshall County. by *Blackburn. (HB2533 by *Fowlkes, *Hood, *Lewis, *Beavers, *Phillips, *Williams (Williamson), *Sands)

***Senate Bill No. 2193** -- Sunset Laws - Council on pensions and retirement, June 30, 2008. Amends TCA Title 3, Chapter 9 and Title 4, Chapter 29. by *Springer. (HB2443 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2268** -- Highway Signs - "McCall Lewis Highway," segment of U.S. 412 in Henderson County. by *Springer. (HB2480 by *McDaniel, *Sharp)

***Senate Bill No. 2345** -- Highway Signs - "Casey Jones Centennial Celebration 1900-2000," I-40, Exit 80A, Madison County. by *Carter. (HB2482 by *McDaniel, *Sharp)

***Senate Bill No. 2346** -- Highway Signs - "The Casey Jones/Carl Perkins Legends Highway," I-40, Madison County. by *Carter. (HB2481 by *McDaniel, *Sharp)

Senate Bill No. 2396 -- Highway Signs - Modifies beginning and ending points of George Morgan Parkway along Highway 27 in Chattanooga. by *Fowler. (*HB2272 by *Sharp)

***Senate Bill No. 2580** -- Highway Signs - Lakeside Resort and Educational Complex, I-40, Exit 273, Putnam County. by *Burks. (HB2642 by *Buck)

Senate Bill No. 2777 -- Highway Signs - "American Museum of Science and Energy," I-75, Anderson County. by *McNally. (*HB2189 by *Caldwell, *Baird)

Senate Bill No. 2914 -- Highway Signs - "Mae Tom and Judge Russ Davidson Memorial Bridge," U.S. 64 over Hardin Creek in Wayne County. by *Wilder. (*HB2217 by *Tidwell)

Senate Bill No. 2915 -- Highway Signs - "Robert S. 'Rob' Stallings Bridge," U.S. 64, Bolivar. by *Wilder. (*HB2342 by *Walley, *Naifeh)

Senate Bill No. 2916 -- Highway Signs - "National Bird Dog Museum and Field Trial Hall of Fame," I-40, Fayette County. by *Wilder. (*HB2340 by *Walley, *Naifeh)

***Senate Bill No. 2920** -- Highway Signs - "William Kendall Abernathy Highway," segment of U.S. 45 in Selmer, McNairy County. by *Wilder. (HB2896 by *Rinks)

**MESSAGE FROM THE SENATE
February 9, 2000**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 571, 575, 577 and 580; for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

SIGNED
February 9, 2000

The Speaker signed the following: Senate Joint Resolution(s) No(s). 571, 575, 577 and 580.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, February 10, 2000.